***** **THE HIGH COURT OF DELHI AT NEW DELHI**

+ **I.A. 21/2013 in CS(OS) 277/2005**

Date of Decision: 08.01.2013

ROHIT HOUSE OCCUPANTS WELFARE ASSOCIATION (REGD.) AND ANOTHER …… Plaintiffs

Through:

Versus

K.S. CHOWDHARY AND ORS. …… Respondents

Through: Mr. L.C. Chechi, Advocate for defendant No. 1.

CORAM:
HON'BLE MR. JUSTICE M.L. MEHTA

M.L. MEHTA, J. (Oral)

I.A. 279/2013 (under Section 151 CPC)

This is an application under Section 151 CPC seeking restoration of the application I.A. 21/2013, which was dismissed for non-prosecution on 04.01.2013.

Heard.

For the reasons stated in the application, I.A. 21/2013 is restored.

The application stands disposed of.

I.A. 21/2013 (under Section 151 CPC)

The plaintiffs had filed a suit for declaration and injunction. The plaintiff No. 1 is an association of which other plaintiffs are members, being the occupants of different flats in the building known as Rohit House, situated at 3, Tolstoy Marg, New Delhi. Defendants No. 1 to 11 are occupants/employees of the occupants in the same building. These defendants claim to have also formed an association by the name of Rohit House Common Services Association, which is defendant No. 12.

The suit that was filed was decided on 31.07.2006. As per the said order, Justice V.S. Aggarwal (Retd.) was appointed as Court Nominee to conduct elections to elect the office bearers of plaintiff No. 1. He was to invite applications from the flat owners to be enrolled as members of plaintiff No. 1 association and was to notify the schedule of elections. The process of election was to be completed within four months from the date of receipt of the said order. Till the new office bearers were elected, the Administrator/Receiver appointed vide order dated December 19, 2005 was to continue to discharge the duties assigned as per the said order.

The instant application has been filed alleging non-compliance of the order dated 31.07.2006 by the Court Nominee Justice V.S. Aggarwal. It is alleged that procedure was not followed by him and two persons became self styled dictator of the building instead of providing facilities. It was alleged that they do not allow the access to the occupants to their flats and have manhandled and threatened one

occupant. It is prayed that they would be directed not to misbehave, mishandle and maltreat the occupants in any manner.

Having heard the learned counsel for the applicant/defendant No. 1, it is noted that the application is a frivolous one having been filed after dismissal of two similar applications, one on 07.12.2006 and another on 27.07.2007. There seems to be some personal grievance of defendant No. 1/applicant against the office bearers of the plaintiff No. 1 association. The suit having already been disposed of vide order 31.07.2006 and there being nothing warranting review of the same, the present application is not tenable. Thus, the review application merits dismissal and is hereby dismissed.

M.L. MEHTA, J.

JANUARY 08 , 2013
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